providers that are common carriers. There can be no other interpretation since if Congress intended to make all remedies under the Communications Act available for manufacturers' violations of Section 255, the Conference Report would have included mention of Section 312 and other provisions of the Communications Act. There is no such language or suggestion in the Conference Report. As to the remarks made by Senator Leahy, they are clearly and totally irrelevant to the issue of damages and sanctions. Moreover, though it may be time for Congress to deal with the convergence of a variety of different telecommunications technologies for a variety of different reasons, the statement is wholly inapplicable to the case at hand and does nothing to clarify the intent of Congress with regard to remedies available against manufacturers. Furthermore, the Commission has noted that "..the remarks of individual members of Congress during floor debates is narrowly circumscribed [and] are entitled to less weight than other types of legislative history."[135]

Third, it is a fundamental tenet of statutory construction that the legislative history of a statute cannot undermine the plain meaning of a statute unless it clearly and unequivocally expresses a legislative intent contrary to that language. In this instance, the language of the Communications Act of 1934 is clear. Sections 207 and 208 are applicable to common carriers only. Section 312 of the Communications Act of 1934 is applicable to Title III radio licensees only. Contrary to the view of National Association of the Deaf, the failure of the 1996 Act to mention specific remedies to be imposed on manufacturers for violations of Section 255 can not support the conclusion that Congress saw no reason to draw a distinction with regard to remedies available against manufacturers. In fact, the opposite is true. Because Sections 207, 208 and 312

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[135] *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region InterLATA Services in Michigan*, 9 CR 267 n.

(Continued ...)

are clear and unequivocal and apply only to common carriers and Title III licensees, respectively, the failure to amend Sections 207, 208 and/or 312 or other provisions of the Communications Act is a clear and strong expression of Congressional intent that sanctions available under those sections were not contemplated to be applicable to manufacturers of telecommunications equipment and CPE. To rule otherwise would substantially alter the basic structure of the Communications Act, especially since the 1996 Act resulted in significant changes to the Communications Act. Had Congress intended to alter the structure of Section 207-208 and 312 it clearly had the opportunity to do so. It did not.

**2. Section 251 (a)(2).**

In the NPRM, the FCC asked for comment on situations that might bring Section 251(a)(2) into play and on the relationship between enforcement proceedings under Section 252 and the Commission's exclusive enforcement authority under Section 255.[136] Additionally, some commentors questioned whether accessibility issues might give rise to a complaint for a violation of common carrier rules under Sections 207 or 208 independent of Section 255.[137] To the extent that these commentors suggest that Sections 251 and 252 could serve as the basis for monetary damages for violation of Section 255, this suggestion is foreclosed by case law holding no private right of action for damages exists under Sections 251 and 252. [138]Furthermore,

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73, 1997 FCC Lexis 4454 (August 19, 1997).

[136] NPRM ¶ 66.

[137] NCD Comments at 4-5.

[138] See Goldwasser v. Ameritech Corp., No. 97-6788, 1988 U.S. Dist. LEXIS 1463 (N.D. Ill. Feb. 3, 1998) (dismissing suit brought by individual consumers under Sections 251 and 252, finding those provisions do not establish a duty to consumers but merely to prospective competitors).

because Section 251 applies to carriers, and not manufacturers of telecommunications equipment, manufacturers could not be subject to liability under that provision.

### D. "Good Faith" Defense.

In the original *NPRM*, the Commission proposed to give substantial weight to the efforts of manufacturers to take actions which show that they have attempted to comply with the mandate of Section 255. TIA supported the Commission's proposal and urged the Commission to provide a rebuttable presumption of compliance with Section 255 to manufacturers that make good faith efforts to comply with the statute. Only one party filing comments in this proceeding took a contrary view. The State of Connecticut Office of Protection and Advocacy for Persons with Disabilities argued that "[t]he defense of 'good faith' appears to be inconsistent with access and telecommunications barrier removal provisions"[139] of the ADA. In point of fact, not only are the State of Connecticut 's conclusions unsupported by any argument or public policy justification showing why good faith efforts on the part of entities subject to Section 255 should not be given credit for their efforts, they are inconsistent with the facts. In adopting regulations implementing the ADA's barrier removal requirements, the Department of Justice stated that an implementation plan "...if appropriately designed and diligently executed, could serve as evidence of a good faith effort to comply with the requirements of Section 36.104."[140] Since its argument is unsupported as a matter of fact and law and since its argument is contrary to the

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[139] Connecticut Office Comments at 2.

[140] 28 C.F.R. Pt 36, App. B (commenting on § 36.304).

overwhelming sense of the comments filed in this proceeding, the Commission should disregard this extreme viewpoint.

### E. Statute of Limitations.

A number of disability organizations argued that the FCC should not adopt a statute of limitations for filing complaints under Section 255. Specifically, the President's Committee on Employment of People with Disabilities, Wisconsin Association of the Deaf Telecommunications Advocacy Network, Access Living of Metropolitan Chicago, Cape Organization for Rights of the Disabled, and June Isaacson Kailes submitted comments indicating that there should be no time limit for filing complaints, because one never knows when he or she will discover that a product or service is inaccessible.[141] Other disability organizations submitted similar comments with only slightly more supporting rationale. United Cerebral Palsy Association indicated that "...given the complexities of the telecommunications system, it may take a while to realize that inaccessibility or incompatibility, rather than one's own lack of skill, is the real problem"[142] and Self Help for Hard of Hearing People expressed the view that "[a] consumer may not know whether a product or service is fully accessible until they purchase it and start to use it. This may be any length of time after the product or service is introduced."[143]

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[141] President's Committee Comments at 13; Wisconsin Association Comments at 5; Access Living Comments at 4; Cape Organization for the Rights of the Disabled ("CORD") Comments at 2; Isaacson Kailes Comments at 4.

[142] UCPA Comments at 14.

[143] SHHH Comments at 24.

TIA and virtually all industry parties took the position that there should be a statute of limitations imposed for the filing of complaints under Section 255 since it comports with elemental requirements of due process and avoids unnecessary commitment of resources and "absurd or vexatious results."[144] Industry comments provide the Commission with persuasive reasoning why the lack of a statute of limitations is legally questionable, as contrasted to the comments of the disability community which contain the conclusions that "one never knows when he or she will discover that a product or service is inaccessible" or that the inability may be due to "one's own lack of skill."

In evaluating the need for a statute of limitations TIA considered the fact that it may take some time for an individual with a disability to become aware that a product is inaccessible. It is clearly not good public policy to make a statute of limitations too short. And while TIA is sensitive to the fact that it may take some time to discover that a product or service is inaccessible, it disagrees with the conclusion that there should be no statute of limitations since "one never knows when he or she will discover that a product or service is inaccessible." At some point a consumer, with or without a disability, must take some responsibility for using a product in a manner in which its accessibility can be determined. TIA submits that 6 months from the date of purchase is a reasonable amount of time for any consumer, including a consumer with a disability, to determine if a purchased product is capable of being used in the manner intended.

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[144] See, e.g., Ameritech Comments at 9-10; BellSouth Comments at 11-12; BSA Comments at 12-13; CEMA Comments at 19-20; CTIA Comments at 17-18; and Personal Communications Industry Association ("PCIA") Comments at 15-17.

If the justification for not imposing a statute of limitations is due to the "complexity of the telecommunications systems" or the "lack of skill of the person with the disability," the proper remedy is not to refrain from adopting a statute of limitations. Rather the appropriate remedy is to make sure that rules are promulgated which require persons with disabilities to first discuss the alleged inaccessibility with the manufacturer of the product before bringing a complaint. Indeed, the complexity of the nature of telecommunications systems and the recognition that persons with disabilities may have greater problems understanding how to use certain products is a primary reason why TIA suggested that queries regarding products which may appear to be inaccessible be required to be brought to the attention of the manufacturer before a complaint can be lodged with the FCC.

The two year statute of limitations for damages available for actions of a carrier under Section 415 is not relevant to the purchase of a product produced by a manufacturer. It may take some time for a subscriber of a telecommunications service to evaluate a bill to determine if charges levied comport with a carrier's established tariffs or rate plans. In the case of a product, especially one purchased by a person with a disability specifically for the purpose of obtaining an accessible product, one presumes that the product will be put into use in the first few days after purchase. Furthermore, one presumes that it will not take very long for the purchaser of the product to know if the product is or is not accessible. Failure of a consumer to specifically use the product in 6 months time should be evidence of laches on the part of the consumer which should bar complaints brought subsequent thereto.

Because no party arguing for the position that no statue of limitations should be imposed has provided any cogent evidence for the proposition, TIA submits that the FCC should impose a 6 month statute of limitations as discussed in its comments in this proceeding.

## F. Standing.

The overwhelming sense of the comments submitted indicate that a standing requirement should be imposed. The support for a standing requirement came not only from manufacturers, service providers and their associations but from the disability organizations as well. For example, Self Help for Hard of Hearing People stated that:

> Leaving standing open can encourage complaints by companies against other companies. Section 255 is intended to protect individuals with disabilities against discrimination in telecommunications. There should be a standing requirement for filing complaints.[145]

United Cerebral Palsy Association acknowledged that "'standing' is a general requirement for bringing an action or filing a complaint under most civil rights laws...," but chose to oppose a standing requirement based on the "...unique circumstances surrounding telecommunications access..."[146]

TIA submits that there has been no demonstration by any party that the circumstances surrounding telecommunications are so unique that the Commission should

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[145] SHHH Comments at 23-24. Campaign for Telecommunications Access ("CTA") Comments at 21 ("Standing should be based on the situation of [the]complainant. It is fair to require a complainant to have experienced some real barrier to access created by his disability, but then he should be able to raise claims about all barriers to access related to the product or service regardless of whether he personally is affected by that barrier. On the other hand, competitors should not be able to complain if they are not injured in fact merely to skirmish with one another.") TIA disagrees, however with the specific language of this comment that would permit a complainant, once he or she has experienced a barrier to access, to raise claims about all barriers to access related to the product or service regardless of whether he or she personally is affected by that barrier.

[146] UCPA Comments at 13.

dispense with a baseline requirement of due process. As noted in the comments filed by many parties in the initial round of comments, the failure to impose a basic standing requirement can lead to frivolous complaints which, in turn, can divert resources of manufacturers, the Commission and the disability community from working together to provide greater accessibility than exists at the present time. TIA supports the proposal for standing expressed by Motorola in which it asserted that for an entity to have standing to file a complaint under Section 255 "...the complainant must be: (1) a person with a disability, or someone filing a complaint on behalf of a specific, identifiable individual with a disability (such as a parent or legal guardian or representative organization that meets the legal standing requirements); and (2) who has purchased or used or has attempted to purchase or use a specific, identifiable piece of telecommunications equipment or CPE."[147]

### G. FCC As Clearinghouse.

The National Association of the Deaf argued that the FCC should establish a clearinghouse for product accessibility information and solutions as well as publication of information on manufacturers' and service providers' accessibility performance.[148] As TIA pointed out in its initial comments, there are a variety of reasons why the FCC should not be a clearinghouse for information on accessibility except to the narrow extent required to make contact point information available and to carry out its complaint adjudication functions. The marketplace will make known which manufacturers and service providers are providing accessibility. Furthermore, the dissemination of flawed statistical information by the

[147] Motorola Comments at 52.

[148] NAD Comments at 40.

Commission could be injurious to manufacturers who otherwise have a good record of providing accessible products and who are subject to very few complaints. In addition, the amount of information that would be required for the Commission's database on accessibility to be kept current and up to date would be staggering and would create a substantial burden on its already limited resources. Rather than diverting resources from the resolution of legitimate complaints, the Commission should allow the marketplace to naturally fill the demand for this type of information.

On a related issue, National Association for the Deaf proposes that "[w]here the FCC determines that a complaint is outside the scope of Section 255, it should also inform consumers about avenues of redress that may be available elsewhere."[149] TIA submits that other private and/or governmental organizations, not the FCC, should undertake that task. The Commission's resources will be severely taxed by merely complying with the statutory duties required of Section 255. Those resources should not be used to perform functions that can be handled by other organizations which may have more expertise in that regard.

### H. Document Submission/Confidentiality.

Universal Service Alliance submitted comments which would provide the complainant with "...all information considered by the Commission in the fast track process including any discussions with accessibility experts from industry, disability groups or the Access Board, or other prior complaints involving the respondent."[150] Self Help for Hard of

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[149] Id. at 34.

[150] USA Comments at 14.

Hearing People argued that respondents should be required "...to provide documents and information that are relevant to the complaint rather than only those documents and information on which they choose to rely."[151]

TIA is troubled by such comments. TIA presented valid reasons why certain information submitted to the Commission when responding to a complaint had to be given confidential treatment. In fact, based on the significant adverse impact that may occur as a result of the disclosure of proprietary financial, technical and other information about the design and development process, TIA argued that rules should be adopted which make submission of material submitted to document a "readily achievable" defense prima facie confidential.[152] Indeed, the Commission should require parties to Section 255 complaints to execute a protective order similar to the model protective order recently adopted by the Commission in the Report and Order.[153] Nothing in the comments of the Universal Service Alliance provides any justification for its expansive request and for the reasons set forth in TIA's original comments, the FCC should not adopt this proposal.

TIA is similarly opposed to Self Help for Hard of Hearing People's request to require respondents to provide "all relevant" documentation to the Commission rather than that documentation on which a manufacturer chooses to rely. Besides the problem of evaluating what information is relevant or irrelevant in a given complaint, the production of all relevant

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[151] SHHH Comments at 26.

[152] TIA Comments at 89-91.

[153] GC Docket No. 96-55, Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission.

documentation would be a burden on the part of the respondent and the Commission. Also, since it is the manufacturer against whom a complaint is filed that is at jeopardy for failing to comply with Section 255 and complaints relative thereto, the manufacturer should make the determination of what information is required to support its claim.

### I. Declaration of Conformity.

Two parties, Missouri Assistive Technology Council and Project and Oklahoma Assistive Technology Project, both asserted that in addition to the FCC's proposed complaint-driven process, the FCC should consider also requiring manufacturers to provide a declaration of conformity with their products. The express rationale for such a requirement is that a declaration of conformity will avoid inaccessible products and services from reaching the market since there will be a public record of (1) awareness by manufacturers of accessibility standards their products should meet; (2) belief that their products meet those standards; and (3) data to substantiate their belief that their products are accessible.[154]

TIA opposes the suggestion that manufacturers be required to provide a declaration of conformity with their products. Manufacturers are keenly aware of the obligations being imposed on them by Section 255 and the need for their products to be accessible to the extent readily achievable. The FCC's proposed complaint procedures will ensure that if aggrieved parties bring legitimate complaints for alleged violations of Section 255,

[154] MATP Comments at 5; Oklahoma Assistive Technology Project ("OATP") Comments at 3-4.

manufacturers will submit appropriate documentation to the Commission attempting to demonstrate why it was not readily achievable or legally necessary to make a product accessible.

Requiring manufacturers to produce a declaration of conformity will serve to increase the regulatory burden on manufacturers; to increase the cost of product (including the cost of product for people with disabilities); and to delay the time it takes to get a product (including accessible products) to market, without providing any corresponding benefit to the public. Furthermore, as TIA discussed in both its initial comments and in these reply comments, it is impossible under the Access Board's guidelines to make every product accessible for every disability. Therefore, it would be impossible for any manufacturer to declare that its product is fully accessible. The public interest would be better served by changing the definition of "accessible" which would then allow manufacturers to provide more information to consumers about the particular accessibility features that may be found in a product.[155]

## VIII. The Commission Has Discretion To Adapt The Access Board's Guidelines In Its Own Plan For Implementing Section 255.

The Commission stated that it views the Telecommunications Accessibility Guidelines promulgated by the Access Board as a "starting point" for its implementation of Section 255 and concluded that it had "discretion" regarding the use of the Board's Guidelines in developing the Commission's implementation of Section 255.[156] Further, the Commission proposed to accord the Board's guidelines "substantial weight" and proposed to adopt the

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[155] See Section IV.A.2.b, supra.

[156] NPRM ¶¶ 29-30.

Board's definition of "accessibility" as part of the Commission's definition of the combined term "accessible to and usable by."[157] In spite of the disagreement with the Commission's view of the Board's guidelines expressed in a number of the comments in this proceeding, the Commission should adhere to its original conclusion that it has discretion in the application of the Access Board's guidelines in developing its own implementation of Section 255.

In its Order adopting its guidelines, the Access Board, after acknowledging that the Commission "ultimately will decide" whether to proceed to implement Section 255 by adjudicating complaints on a case-by-case basis or the promulgation of rules after adopting the Board's guidelines "as adopted by the Board or with revisions," opined that, "Congress clearly intended the FCC's actions be consistent with the Board's Guidelines."[158] Subsequently, in comments filed in response to the Commission's NPRM, the Access Board states that the Commission should adopt the Board's guidelines "without change, " that the Commission's rules must be "consistent" with the Board's guidelines, and that any departures which provide "less accessibility" would result in Commission rules that are inconsistent. Clearly, the Access Board and a number of organizations representing the interests of individuals with disabilities see the Board as the primary agency in the development of guidelines for accessibility of telecommunications equipment and CPE.[159]

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[157] NPRM ¶ 75.

[158] Architectural and Transportation Compliance Board, *Telecommunications Act Accessibility Guidelines*, 63 Fed. Reg. 5609 (Feb. 3, 1998).

[159] Access Board Comments at 2-3. This view also is expressed by organizations representing the interests of individuals with disabilities: ". . .the Legislature intended as well that the Architectural and Transportation Barriers Compliance Board (Access Board) would be the primary agency – with the FCC's assistance – to develop guidelines for telecommunications equipment manufacturers. NAD Comments at 3. Similar views are expressed by SHHH Comments at 4; WID Comments at 2, and others.

The view that the Access Board is in a superior position to the Commission with respect to the development of accessibility guidelines for telecommunications equipment and CPE is inconsistent with the plain wording of Section 255 which states that ". . . the Architectural and Transportation Barriers Compliance Board shall develop guidelines for accessibility of telecommunications equipment and customer premises equipment in conjunction with the Commission."[160] The word "conjunction" is defined as "the act of conjoining or the state of being conjoined . . . ," and the word conjoin means "to join together (as separate entities) for a common purpose or a common end. . . . ."[161] Clearly, Congress, in directing the Commission and the Access Board to engage in a conjoint effort to develop accessibility guidelines, did not place the Access Board in a superior or directive role relative to the Commission. Had the Congress intended for the Access Board to be in a superior or directive position with respect to the guidelines, it could have specifically provided for the Board to have such a role as it did in specifying the relationship between the guidelines developed by the Board for implementing Title III of the Americans with Disabilities Act and the implementing regulations adopted by the Department of Justice;[162] however, the Congress did not provide for such a directive role here. Rather, the Congress, in the case of Section 255, provided for each agency to contribute its own unique expertise to the development of the guidelines. Thus, while

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[160] 47 U.S.C. § 255 (e) (emphasis supplied).

[161] Merriam-Webster Inc., Webster's New English Dictionary of the English Language Unabridged at 479-480 (1981).

[162] In the case of the ADA, the Congress specifically directed that the Department of Justice regulations implementing Title III "shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board. . . ." 42 U.S.C. § 12186 (c). Had the Congress intended for the Board to have such a directive role in implementing Section 255, it would have included language to that effect, but it did not.

the Commission does not have the authority to ignore the Access Board's guidelines, it also is not required automatically to defer to the Access Board's views.

The Access Board, in its Comments in this proceeding, describes the Commission's role in the development of the guidelines – apparently to argue that the Commission participated in the development of the Board's guidelines which consequently constitute the conjoint effort required by the Congress. According to the Board, the Commission participated in two ways: first, it was "thoroughly involved" in the Telecommunications Accessibility Advisory Committee ("TAAC") convened by the Board to make recommendations regarding accessibility guidelines for telecommunications equipment and CPE, and the Commission staff "closely coordinated" with the Board in the development of the Board's Notice and Order, had an opportunity to review each draft of those documents, and provided the Board with "valuable input."[163]

Although members of the Commission staff were present at meetings of the TAAC, they were present as observers and not as individuals "thoroughly involved" in the work of the TAAC. Whatever the inter-agency ex parte role the Commission staff had in developing the Access Board's Notice and Order, the public was never on notice that the Board's proceeding was, in fact, a joint proceeding between the Board and Commission and, consequently, never had either knowledge of the Commission's "valuable input" into the Board's Order or an opportunity to provide comment on that input. This proceeding is the only opportunity that the public has had to comment on the Commission's proposed approach to discharging its portion of the conjoint responsibility it shares with the Access Board. Moreover, there is no basis for

[163] Access Board Comments at 1.

considering the inter-agency ex parte communications between the Commission staff and the Access Board staff as constituting an official action by the Commission which clearly would be required if the Board's guidelines were to be construed to be a conjoint action by both agencies.

Additionally, any suggestion in the comments that the Access Board's guidelines must be adopted wholesale because they are the based on the TAAC consensus fails to take into account several important factors.

First, in several instances where the TAAC did reach a consensus, the Access Board deviated from that consensus and reached its own significantly different conclusions. Whereas the TAAC recognized that conflicting access needs and the limitations of the "readily achievable" standard would require manufacturers to exercise discretion in choosing among access features, the Access Board eliminated any reference to manufacturer discretion from its final guidelines, and added the additional requirement that each item on the access checklist must be "assessed independentlyt." 36 C.F.R. §§ 1193.41. 1193.43. With these omissions and additions, the Access Board completely altered the definition of this key statutory term from that which was agreed upon by the TAAC. The change is dramatic: the Access Board increases the burden of compliance for manufacturers and decreases the potential for the greatest number of products with meaningful access features to be brought to market. Clearly, the Access Board's guidelines do not reflect the consensus that was reached after long and difficult negotiations, with trade-offs and compromises made by all parties. Instead, the Access Board's guidelines are the product of the Access Board's own independent decisions to pick and choose among the elements of the TAAC Final Report, in effect, resulting in guidelines that do not reflect the TAAC.

A second reason this Access Board's Guidelines should not be immunized from review is that, with respect to several key issues, the Access Board reached its own independent conclusions because the TAAC could not reach a consensus. Most notably, the TAAC could not reach a consensus concerning whether Section 255 compliance should be assessed on the basis of every single CPE product or across product-lines. See TAAC Final Report § 6.7.4.4. The Access Board reached its own independent conclusion that Section 255 applies to every product, 63 Fed. Reg. 5610-11 (Feb. 3, 1998), thereby rejecting the alternative view endorsed by industry in the TAAC Final Report. Particularly in these two contentious areas, the guidelines are not entitled to deference.

In view of the clear language of the statute regarding the conjoint responsibility of the Commission and the Access Board for developing guidelines for telecommunications equipment and CPE, the lack of an opportunity for public comment on the Commission's input into the Board's development of the guidelines and the absence of any official Commission action to adopt those guidelines, the Commission should adhere to its conclusion that it has the authority to use the guidelines as a "starting point," adapt them to the unique environment in which it has substantial experience and expertise, and harmonize their application to manufacturers of telecommunications equipment and CPE, and providers of telecommunications service.

## IX. CONCLUSION.

In enacting Section 255, Congress made a policy decision to require telecommunications equipment and CPE to be accessible to persons with disabilities, "if readily achievable." TIA member companies are fully committed to meeting Section 255's

requirements. It is now the FCC's role to adopt a regulatory scheme that will encourage manufacturers to reach the goal set by Congress in the most efficient way. In fulfilling that role, the FCC possesses discretion to modify or change the Access Board's guidelines.

TIA strongly urges the FCC to adopt a product-line, as opposed to a product-by-product approach to the accessibility requirement of Section 255. TIA was joined in this position by a number of other commentors from the telecommunications industry – commentors with the practical experience to understand what truly will be required to meet Congress' accessibility mandate. TIA and these other commentors are firmly convinced that a product-line approach will lead to the most meaningful increases in accessibility for the widest group of individuals with varied functional limitations.

Along with many other commentors, TIA additionally asks the FCC to adapt the definitions of certain key statutory terms taken from the ADA to the telecommunications context. TIA further submits that, despite the position taken by many advocates for the disability community, the FCC has no authority to extend the scope of Section 255 beyond what is consistent with the Communications Act and FCC precedent.

Given the near consensus among commentors that the FCC's proposed complaint resolution process, particularly the fast track process, would not lead to efficient and meaningful resolution of complaints, TIA asks the FCC to adopt TIA's Dispute Resolution Process. TIA further requests that the FCC clarify that damages are not available in actions against manufacturers, under either Sections 207 and 208, Section 312, or Section 251 of the Act.

Finally, TIA suggests that the FCC adopt a reasonable statute of limitations, a standing requirement and confidentiality measures with respect to complaints under Section 255.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I, Karen E. Lloyd, do hereby certify that on this 14th day of August 1998, a copy of the foregoing Reply Comments of the Telecommunications Industry Association has been served, via hand delivery, upon the following:

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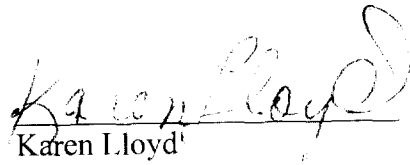

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